

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HENRY CAMPBELL, et al.)
)
Plaintiffs,)
v.) 1:16-cv-08719-AJN
CITY OF NEW YORK, NEW YORK,) (JURY TRIAL DEMANDED)
)
Defendant.)
)

**PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND NOTICE TO
PUTATIVE PLAINTIFFS PURSUANT TO 29 U.S.C. SECTION 216(b)**

Plaintiffs, through their undersigned counsel, hereby submit this Motion for Conditional Certification and Notice to Putative Plaintiffs Pursuant to 29 U.S.C. § 216(b). In support of this motion, plaintiffs submit the attached memorandum of law, declarations, and proposed notice.

For the reasons set forth in plaintiffs' memorandum of law, and based on the declarations submitted in support hereof, plaintiffs respectfully request that this motion be granted and that the Court authorize plaintiffs' counsel to notify¹ all current and former employees of the defendant who have been employed at any time since November 9, 2013, at any of the City of New York, New York's Department of Homeless Services facilities who have worked in the positions of Peace Officer and Sergeant. November 9, 2013, is three (3) years prior to the filing of the Complaint in this action. Because the FLSA imposes a three-year statute of limitations on employee claims which may be applicable to the claims presented here, and because this limitation period is not tolled until a plaintiff files a consent form opting-in to this case, the representative plaintiffs move this Court for facilitation and approval of the terms, provisions and issuance of class notice to all similarly-situated persons.

¹ See Exhibit A to the memorandum in support of this motion.

As part of this Court's exercise of discretion to manage the terms and provisions of the notice issued to persons similarly situated to the representative plaintiffs, the plaintiffs respectfully request that this Court order that:

- (1) this case proceed as a collective action;
- (2) the defendants provide the names, mailing addresses, and e-mail addresses – in a computer format compatible with Plaintiffs' counsel's computer systems – of all current and former employees of the defendant who have been employed at any time since November 9, 2013, at any of the City of New York, New York's Department of Homeless Services facilities who have worked in the positions of Peace Officer and Sergeant.
- (3) plaintiffs' counsel may notify, using Exhibit A to the memorandum in support of this motion, all such present and former employees of the pendency of this action;
- (4) all such present and former employees shall have 90 days from the date defendants provide their names and addresses to plaintiff's counsel to opt-in to this action; and
- (5) the statute of limitations is tolled until the close of the notice period referenced in paragraph 4 above.

Dated: January 19, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that a copy of the foregoing Motion For Conditional Certification And Notice To Putative Plaintiffs Pursuant To 29 U.S.C. § 216(b) and accompanying documents were served on the following individuals on January 19, 2017 by filing the document on the Court's ECF system:

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